

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

PATRICK WALKER

CIVIL ACTION NO. 6:11-cv-00080

VERSUS

JUDGE MELANÇON

MICHAEL J. ASTRUE,  
COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION

MAGISTRATE JUDGE HANNA

**JUDGMENT**

This matter was referred to United States Magistrate Judge Patrick J. Hanna for report and recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Magistrate Judge's report and recommendation [Rec. Doc. 12] is correct and adopts the findings and conclusions therein as its own.

Accordingly, it is therefore

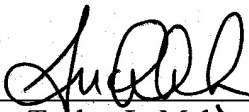
**ORDERED** that the decision of the Commissioner is **REVERSED** and **REMANDED** to the Commissioner for further administrative action pursuant to the fourth sentence of 42 U.S.C. § 405(g).<sup>1</sup> This includes, but does not limit, sending the case to the hearing level with instructions to the Administrative Law Judge to order an updated consultative examination of the claimant or an evaluation by the claimant's treating physician, specifically regarding the effect that the claimant's severe impairments have on his ability

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<sup>1</sup>A fourth sentence remand constitutes a "final judgment" that triggers the filing period for an EAJA fee application. *Shalala v. Schaeffer*, 509 U.S. 292, 113 S.Ct. 2625, 2631 (1993); *Freeman v. Shalala*, 2 F.3d 552 (5<sup>th</sup> Cir. 1993).

to walk and/or stand for prolonged periods of time. The claimant shall be afforded the opportunity to submit additional evidence and to testify at a supplemental hearing.

Signed at Lafayette, Louisiana, this 22<sup>nd</sup> day of March, 2012.

  
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Tucker L. Melançon  
UNITED STATES DISTRICT JUDGE